

LAW OFFICES

COHN AND MARKS LLP

ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
J. BRIAN DE BOICE
JEROLD L. JACOBS
KEVIN M. GOLDBERG

SUSAN V. SACHS

DIRECT DIAL:
202-452-4823

**SUITE 300
1920 N STREET N.W.
WASHINGTON, D.C. 20036-1622**

TELEPHONE: (202) 293-3860
FACSIMILE: (202) 293-4827
HOME PAGE: WWW.COHNMARKS.COM

OF COUNSEL:
MARCUS COHN (1913-2001)
LEONARD H. MARKS (RETIRED)
JOEL H. LEVY
ELLEN MANDELL EDMUNDSON

EMAIL ADDRESS:
jerold.jacobs@cohnmarks.com

June 29, 2006

Marlene H. Dortch, Secretary
Federal Communications Commission
Portals II, Filing Center, TW-A325
Washington, D.C. 20554

**Re: El Paso Public Television Foundation (FRN 0007-0922-73)
Station KCOS-DT, El Paso TX Facility ID #19117
Request for Waiver of the Replication/Maximization
Interference Protection Deadline**

Dear Ms. Dortch

For good cause shown, in accordance with the procedures set forth in *Public Notice, DA 06-1255 (DTV Channel Election Issues)*, released June 14, 2006, this letter respectfully requests, on behalf of our client, El Paso Public Television Foundation ("El Paso"), permittee of Station KCOS-DT, El Paso, Texas, a six-month waiver of the July 1, 2006 replication/maximization interference protection deadline established by the Commission in Paragraph 78 of the *Second DTV Periodic Review Report and Order*, 19 FCC Rcd 18279 (2004).

The grounds for this waiver request are compliance delay circumstances in connection with the above-referenced *Public Notice* that are clearly beyond El Paso's control. Specifically, within only a few days after the *Public Notice* was released, El Paso filed the requisite FCC Form 340 application to transform its Special Temporary Authorization ("STA") for KCOS-DT into a modified DTV construction permit (File No. BMPEDT-20060619ABX), which was accepted for filing on June 22, 2006. Once this application is granted, El Paso will be able to file the Form 302-DTV license application that the *Public Notice* envisions. In the meantime, out of abundance of caution, El Paso has also filed an STA extension request for KCOS-DT (File No. BEDSTA-20060627AEN). KCOS-DT's STA operation fully meets El Paso's Paragraph 78 requirement of 80% replication of the

Marlene H. Dortch, Secretary

June 29, 2006

Page 2

audience served by the station's 1997 analog facilities. Thus, the only reason for this waiver request is to signify that KCOS-DT is already in Paragraph 78 operational compliance and will be in compliance with the application

Marlene H. Dortch, Secretary

June 29, 2006

Page 3

requirements of the *Public Notice* as soon as its pending Form 340 application is granted and its Form 302-DTV application can be filed.

Accordingly, El Paso respectfully requests the Commission's understanding and indulgence and a six-month waiver of the July 1 *Public Notice* compliance date for KCOS-DT. El Paso fully expects to file its license application well before the proposed January 1, 2007 extended deadline.

Please direct any communications or correspondence concerning this matter to the undersigned.

Sincerely

Jerold L. Jacobs

Jerold L. Jacobs
Counsel for El Paso Public Television
Foundation

cc: Shaun Maher, Esq. (FCC - via e-mail)